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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,031	03/31/2004	Louis A. Lippincott	ITL.1713US (P18841)	9305
21906 7590 10/25/2010 TROP, PRUNER & HU, P.C. 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER MARANDI, JAMES R	
			ART UNIT 2421	PAPER NUMBER
			MAIL DATE 10/25/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<b>Application No.</b> 10/816,031	<b>Applicant(s)</b> LIPPINCOTT, LOUIS A.	
	<b>Examiner</b> JAMES R. MARANDI	<b>Art Unit</b> 2421	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 30 September 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: \_\_\_\_\_.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

/John W. Miller/  
Supervisory Patent Examiner, Art Unit 2421

/James R. Marandi/  
Examiner, Art Unit 2421

Continuation of 11. does NOT place the application in condition for allowance because:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., quantization error caused by D/A and A/D conversion) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant is presenting an argument not based on the actual rejection of claim 1, but based on a partial passage (page 5) of the response to applicant's arguments which is not part of the claim language.

Applicant asserts that "quantization errors have nothing to do with A/D or D/A conversion".

Examiner disagrees. Quantization errors are caused by A/D conversion. Such errors would not be material if the signal was not to be reconstructed (D/A conversion).

Applicant argues that "there is no discussion whatsoever of trying to reduce errors due to analog-to-digital and digital-to-analog conversion during decoding".

Examiner disagrees. Youn discloses transcoding by the cascade of a decoder and an encoder, as shown in Fig. 1, which is further detailed in Fig. 3, where pixel P<sub>fc</sub> (analog) enters the front encoder and goes through a DCT with Quantization Q<sub>1</sub> (digitized, and thereby A/D conversion), and subsequently enters a decoder where it goes through the reverse operation (D/A). See Page 31, Section II.

Youn has disclosed that the use of incoming motion vectors are non-optimal due to the reconstruction errors (see Abstract). Furthermore, on Page 30, (2nd Col. next to last paragraph), Youn further states that "[when motion vectors extracted from the incoming bit stream are reused] this simple motion-vector reuse scheme may introduce considerable quality degradation. Although an optimized motion vector can be obtained by a full-scale motion estimation, this is not desirable because of its high computational complexity." To optimize the motion-vector estimation, instead of a full-scale motion estimation, Youn searches a best matching macro block within a predefined search window S (localized search). As Detailed in Section II, and further refined in Section III. Youn further discloses that "Since in general there is no guarantee that the effect is negligible all the time, there are nonzero probabilities that the quantization error may cause the incoming motion vector to be non-optimal [i.e., we can find a better motion vector which minimizes (4)]" Page 32, 1st Col., 2nd paragraph, last four lines

Applicant asserts that "quantization errors are the result of encoding, not decoding". Examiner agrees that quantization error is caused by the encoding process. However, if the signal is not to be reconstructed (decoded) such errors would not have to be considered.